



MINUTES
OCONEE COUNTY COUNCIL MEETING
Regular Meeting
March 16, 2010

MEMBERS, OCONEE COUNTY COUNCIL

Mr. Reg Dexter, District V, Council Chairman
Mr. Joel Thrift, District IV, Vice Chairman
Mr. Wayne McCall, District II, Chairman Pro Tem
Mr. Paul Corbeil, District I
Mr. Mario Suarez, District III

Oconee County Council met on Tuesday, March 16, 2010 at 6:00 PM in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members, Interim Administrator Gene Klugh, Thomas L. Martin County Attorney and Clerk to Council, Elizabeth G. Hulse present.

Press:

Pursuant to the Freedom of Information Act, notice of the meeting, date, time, place of meeting and agenda were posted on the bulletin board at the County Administrative Offices, 415 South Pine Street, Walhalla, SC, and the County Council website [www.oconeese.com/council]. In addition it was made available to the newspapers, radio stations, television stations and concerned citizens.

Member of the press present: Ray Chandler – Anderson Independent & Carlos Galarza - Daily Journal.

Call to Order:

Mr. Dexter called the meeting to order at 6:00 p.m.

Public Comment Session:

Mr. Carroll Brantley addressed Council in opposition to the issuance of special source revenue bonds for the Point West project.

Mr. Steve Moore addressed Council regarding [1] his opposition to the 51% requirement for submissions for re-zoning as being too low, and [2] his concerns related to the agreement with the City of Westminster for the joint fire station.

Mr. Bob Beaudry addressed Council in support of the Planning Commissions recommendation to Council for Ordinance 2010-03.

Ms. Susie Cornelius addressed Council utilizing a PowerPoint presentation [filed with these minutes] voicing her concerns with the joint fire station with the City of Westminster.

Extended Public Comment Session:

Performance of County Council / Mr. C. W. Richards

Mr. Richards addressed Council regarding his concerns that Council has “dropped the ball” on several key issues to include economic development and the joint fire station in Westminster.

High Point/Pointe West / Mr. Bo Horne

Mr. Horne read from a prepared statement [filed with these minutes] outlining his concerns with the High Point/Pointe West project. He addressed key issues to include the amount of the bond, use of tax payer's money, safety of the bond and concerns if the project would promote jobs.

Additional Public Comment not related to specific agenda items:

Mr. Larry Linsin addressed Council regarding his opposition to the special source revenue bond issuance.

Mr. Tom Markovich addressed Council regarding his concerns related to proposed state legislation to require sprinkler in all new residential homes beginning in 2012. He asked Council to consider a resolution to oppose this action.

Ms. Mary Chaney addressed Council regarding her opposition to the special source revenue bond issuance.

Ms. Suzanne Peden addressed Council regarding her opposition to the special source revenue bond issuance.

Mr. B. J. Littleton addressed Council in support of other citizen's comments and his concern regarding taxes in difficult economic times.

Council Follow-up comments related to the Extended & Public Comments:

Mr. McCall stated that he agreed with Mr. Markovich and was concerned that this new law would stifle development in the county.

Mr. Dexter requested that Council agree to extend this portion of the meeting beyond the recess time of 6:50 p.m. Council concurred. Mr. Dexter addressed several issues related to misinformation related to the special source bonds clearing up the following:

- The bonds are for \$3.5 million not \$5.5 as stated in Extended Public comment.
- Bond repayment will be from buildings at High Point only that are built and under construction and not yet on the tax rolls – not currently occupied buildings.
- The photos presented were not the Point West property and were misleading
- All revenues received in excess of the bond payment will be divided between the taxing entities on a pro rata basis and not placed into an infrastructure fund.
- Council will not be funding sewer with the bond
- SDOC is in support of the issuance of the bonds as they see the long term advantage to the school system.

Mr. Dexter asked that citizens interested in these issues or any issues to attend the meetings and workshops so that they can obtain accurate, current information. He voiced concerns that false information is being distributed without proper research or understanding of the issues.

Mr. Thrift reiterated that the SDOC is in full support of the issuance of bonds related to the Pointe West project. In addition, he stated that economic development is a priority for this council and that meetings took place this week with two good prospects.

Meeting Recess:

Mr. Dexter recessed the meeting to 6:59 p.m. noting that the break would be for five minutes instead of the ten minutes advertised.

Meeting Reconvene:

Mr. Dexter reconvened the meeting to 7:07 p.m.

Pledge of Allegiance:

Mr. McCall led the pledge of allegiance to the United States Flag.

Minutes:

Mr. Corbeil made a motion, seconded by Mr. Thrift, approved 5 – 0 that the minutes from the February 16, 2010 regular meeting be adopted as printed.

Mr. Corbeil made a motion, seconded by Mr. Thrift, approved 4 – 0 [Mr. Suarez abstained] that the minutes from the February 22, 2010 special council meeting be adopted as printed.

Mr. Corbeil made a motion, seconded by Mr. Thrift, approved 4 – 0 [Mr. Suarez abstained] that the minutes from the February 22 joint workshop with the Planning Commission be adopted as printed.

Mr. Thrift made a motion, seconded by Mr. Corbeil, approved 4 – 0 [Mr. Suarez abstained] that the minutes from the March 3, 2010 special meeting be adopted as printed.

Mr. Corbeil made a motion, seconded by Mr. Thrift, approved 3 – 0 [Mr. Suarez & Mr. McCall abstained] that the minutes from the March 9, 2010 workshop meeting be adopted as printed.

Mr. Corbeil made a motion, seconded by Mr. Thrift, approved 4 – 0 [Mr. Suarez abstained] that the minutes from the March 9, 2010 special meeting be adopted as printed.

Presentations by Outside Organizations:

Foreign Trade Zone [FTZ] Presentation / Ms. Susan Carroll-Ramsey:

Ms. Ramsey addressed Council and briefly highlighted FTZ #38, Upstate South Carolina, highlighting current general purpose sites, sub zones and the new FTZ Program. Ms. Ramsey utilized a PowerPoint presentation [filed with these minutes] and several handouts [also filed with these minutes].

SC Department of Juvenile Justice / Mr. Ampt Murray:

Mr. Murray addressed Council requesting assistance in expanding the mentoring program to assist the department with funding cut backs. Mr. Murray outlined some statistics regarding juvenile populations and costs. He specifically noted that the agency is in need of interested citizens to assist as auxiliary probation officers and mentors to the youth. Mr. Murray can be reached at his office at 864-638-9537 or via email at ammurr@scdjj.net.

Consideration of the Following Ordinances:

Ordinance 2010-03:

Mr. McCall made a motion, seconded by Mr. Corbeil, approved 5 – 0 to approve the Planning Commission’s recommendation related to **Ordinance 2010-03** “AN ORDINANCE TO AMEND THE OCONEE COUNTY ZONING ENABLING ORDINANCE, ORDINANCE 2007-18, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AS TO REZONE A SERIES OF PARCELS SPECIFIED HEREIN, AND TO RATIFY AND AFFIRM ALL OTHER PROVISIONS OF ORDINANCE 2007-18 NOT AMENDED OR MODIFIED HEREBY; AND OTHER MATTERS RELATING THERETO” on second reading and schedule the public hearing for this ordinance for Tuesday, April 20, 2010.

Ordinance 2010-04:

Mr. Corbeil made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve **Ordinance 2010-04** “AN ORDINANCE TO AMEND THE AGREEMENT AUTHORIZED BY ORDINANCES 2006-27 AND 2008-17 RELATING TO THE INDUSTRIAL/BUSINESS PARK OF OCONEE AND PICKENS COUNTIES SO AS TO ENLARGE THE PARK” along with the Second Amendment of Agreement for Development for Joint Industrial Park on second reading.

Ordinance 2010-08:

Mr. Thrift made a motion, seconded by Mr. Suarez, approved 5 – 0 to approve **Ordinance 2010-08** “AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2010, OF OCONEE COUNTY, SOUTH CAROLINA, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$6,840,000 FOR THE PURPOSE OF REFUNDING CERTAIN OF THE COUNTY’S GENERAL OBLIGATION BONDS; FIXING THE FORM AND CERTAIN DETAILS OF THE BONDS; AUTHORIZING THE CHAIRMAN OF COUNTY COUNCIL AND THE COUNTY ADMINISTRATOR TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO” on first reading in title only.

Amendment to Agenda / MOTION TO RECONSIDER

Mr. Dexter recognized Mr. Tom Martin, County Attorney, and asked him to outline the need for reconsideration of Ordinances 2010-05, 2010-06 and 2010-07. Mr. Martin stated that on February 16, 2010 Council approved these ordinances on first reading. After the meeting one council member indicated that he might have a conflict or appearance of a conflict. Mr. Martin stated that the did not represent the council member individually, however, he indicated that if he wished to recues himself he needed to do so in writing and that it was the SC Ethics Commission’s recommendation that if a member recuses himself that he also absent himself from chambers during discussion of the matter. Mr. Martin stated that if Council wished to reconsider the three ordinances at this meeting that it was allowed under Model Rules of Parliamentary Procedures for South Carolina Counties, Rule #17, #1 Motion to Reconsider it was appropriate for Council to address this at this meeting as it is the next regularly scheduled council meeting [noting that the March 2, 2010 regular meeting was cancelled due to inclement weather]. Discussion followed.

Council stated a desire to reconsider these ordinances at this meeting and Mr. Martin outlined the process to follow.

The Clerk to Council read into the record Mr. McCall’s recusal statement.

Mr. McCall left chambers.

Ordinance 2010-05:

Mr. Suarez made a motion to reconsider Ordinance 2010-05, seconded by Mr. Thrift, approved 4 – 0.

Mr. Dexter read the Ordinance caption into the record. It was noted that the original motion was now on the table for additional discussion.

Mr. Thrift made the original motion, seconded by Mr. Suarez, approved 4 – 0 [Mr. McCall abstaining] to approve **Ordinance 2010-05** “AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF SPECIAL SOURCE REVENUE BONDS OF OCONEE COUNTY, SOUTH CAROLINA; PRESCRIBING THE FORM OF BONDS; LIMITING THE PAYMENT OF THE BONDS SOLELY TO THE PLEDGED REVENUES RECEIVED AND RETAINED BY THE COUNTY FROM THE PAYMENT OF FEES IN LIEU OF TAXES FROM CERTAIN JOINT COUNTY INDUSTRIAL AND BUSINESS PARKS AND PLEDGING THE PLEDGED REVENUES TO SUCH PAYMENT; CREATING CERTAIN FUNDS AND PROVIDING FOR PAYMENTS INTO SUCH FUNDS; AND MAKING OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH THE FOREGOING” on first reading.

Ordinance 2010-06:

Mr. Corbeil made a motion to reconsider Ordinance 2010-06, seconded by Mr. Thrift, approved 4 – 0.

Mr. Dexter read the Ordinance caption into the record. It was noted that the original motion was now on the table for additional discussion.

Mr. Corbeil made the original motion, seconded by Mr. Suarez, approved 4 – 0 [Mr. McCall abstaining] to approve **Ordinance 2010-06** “A FIRST SUPPLEMENTAL ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF A NOT EXCEEDING \$4,000,000 SPECIAL SOURCE REVENUE BOND, SERIES 2010, OF OCONEE COUNTY, SOUTH CAROLINA; PRESCRIBING THE FORM AND DETAILS OF SUCH BOND; AUTHORIZING THE CHAIRMAN OR VICE-CHAIRMAN AND THE COUNTY ADMINISTRATOR TO DETERMINE CERTAIN MATTERS RELATING TO THE BOND; PROVIDING FOR THE PAYMENT OF THE BOND AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO” on first reading.

Ordinance 2010-07:

Mr. Suarez made a motion to reconsider Ordinance 2010-07, seconded by Mr. Thrift, approved 4 – 0.

Mr. Dexter read the Ordinance caption into the record. It was noted that the original motion was now on the table for additional discussion.

Mr. Thrift made the original motion, seconded by Mr. McCall. As Mr. McCall is abstaining from discussion and voting Mr. Corbeil seconded the motion, approved 4 – 0 [Mr. McCall abstaining] to approve **Ordinance 2010-07** AN ORDINANCE TO DEVELOP A JOINT COUNTY BUSINESS PARK IN CONJUNCTION WITH PICKENS COUNTY, SOUTH CAROLINA (“PICKENS COUNTY”), SUCH BUSINESS PARK TO BE GEOGRAPHICALLY LOCATED IN OCONEE COUNTY, SOUTH CAROLINA (“OCONEE COUNTY”) AND ESTABLISHED PURSUANT TO ARTICLE VIII, SECTION 13 OF THE SOUTH CAROLINA CONSTITUTION, AND SOUTH CAROLINA CODE OF LAWS OF 1976 §4-1-170, ET SEQUITUR, AS AMENDED; TO PROVIDE FOR A WRITTEN AGREEMENT WITH PICKENS COUNTY PROVIDING FOR THE PAYMENT OF EXPENSES OF THE PARK, THE PERCENTAGE OF REVENUE APPLICATION, AND THE DISTRIBUTION OF FEES-IN-LIEU OF *AD VALOREM* TAXES TO OCONEE COUNTY, PICKENS COUNTY AND RELEVANT TAXING ENTITIES; TO PROVIDE THAT JOBS TAX CREDITS ALLOWED BY LAW BE

PROVIDED FOR BUSINESSES LOCATING IN SAID PARK; TO PERMIT A USER FEE-IN-LIEU OF *AD VALOREM* TAXATION WITHIN SAID PARK; AND OTHER MATTERS RELATED THERETO” and Agreement for Development of Joint Industrial Park on first reading.

Mr. McCall returned to Chambers at this time for the remainder of the meeting.

Discussion & Possible Action Items:

Council Discussion regarding Heritage Fair Location:

Ms. Gwen McPhail addressed Council regarding the groups request to use a portion of the Golden Corner Commerce Park [GCCP] for the 2010 Heritage Fair. She provided the Council with two handouts [filed with these minutes].

The first sheet noted that the group is a LLC. In addition, utilizing a map in her presentation she identified the purple section as the area for the fair, the green line for power [2,950’] and the brown line for water [1,475’]. Ms. McPhail noted that the group has some pipe from last year and that she is working with the water company to get a tap.

Ms. McPhail noted that the group is seeking a formal agreement with the County to use the property for the 2010 Heritage Fair. She noted that the group has already missed contracting with their ride vendor as most of them require a commitment in January.

Mr. Suarez made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve the Heritage Fair using the GCCP for the 2010 Heritage Fair. In addition, Council directed Administration to work with the group to assist with temporary water/power line installation in order for the fair to take place.

Mr. Thrift noted that the Transportation Committee meets on Wednesday, March 17, 2010 to address specific road issues. Lastly, Council directed the County Attorney to draw up a lease for this group.

Renewal of RFP 05-14 / \$84,000 / Title Search Services for Delinquent Tax Office

Mr. Thrift made a motion, seconded by Mr. McCall, approved 5 – 0 to approve the fourth year of this contract with Anna Prater of Liberty SC for an estimated cost of \$84,000 to conduct title searches for the Delinquent Tax Office in preparation for their sale on October 4, 2010.

Approve Issuance of PO / \$48,274.25 / Ard, Wood, Holcombe & Slade / Basic Architectural Services for Joint Fire Station

Mr. Thrift made a motion, seconded by Mr. Suarez, approve 5 – 0 to approve the issuance of a new Purchase Order in the amount of \$48,274.25 to Ard, Wood, Holcombe & Slate for architectural services related to the joint Emergency Services Headquarters / City of Westminster Fire Station.

IT / Bid 09-22 / \$134,437.72 / Dell Hardware & Virtualization Software

Mr. Thrift made a motion, seconded by Mr. Suarez, approved 5 – 0 to award Bid 09-22 for a total amount of \$134,437.72 to be distributed between the following three vendors [1] VMware software to CDW-G of Vernon Hills, IL, in the amount of \$38,250.00, [2] Dell EqualLogic SANN hardware to Dell Marketing of Roundrock, TX, in the amount of \$50,960.70, and [3] Exagrid storage hardware to Thomas Glover Associates, Inc. of Inman, SC, in the amount of \$45,227.02.

Consent Agenda Items / ATAX Grant Requests

- [a] Devils Fork State Park / \$1,847.72 / Brochure Printing
- [b] Oconee State Park / \$3,727.50 / AV Equipment for Conference Facility
- [c] Downtown Seneca Merchant's Assn / \$1,600 / Sponsorship/Advertising "Your Day"
- [d] Walhalla Civic Auditorium / \$550 / Advertising
- [e] Walhalla Merchant's Assn / \$2,550 / TV Advertising for 2010 MayFest
- [f] SenecaFest – SC BBQ Cook-Off / \$4,680 / TV Advertisement

Mr. Thrift made a motion, seconded by Mr. McCall, approved 5 – 0 to address all Consent Agenda Items in one motion.

Mr. Thrift made a motion, seconded by Mr. McCall, approved 5 – 0 to approve the ATAX Grant Requests as outlined above.

Board & Commission Appointments:

Aeronautics Commission / District I

Mr. Corbeil made a motion, seconded by Mr. Thrift, approved 5 – 0 to appoint Mr. Randy Renz to the District I seat on the Aeronautics Commission to serve the remaining term.

Appalachian Council of Governments / Re-appointment of Citizen Representatives

Mr. Dexter made a motion, seconded by Mr. Thrift, approved 5 – 0 to re-appoint Mr. Bob Winchester as the Citizen Representative and Mr. Bennie Cunningham as the Minority Representative for an additional two year term.

Commission & Board Reports to Council:

Arts & Historical Commission:

Mr. Luther Lyle gave a brief summary of the Commissions activities and played for the Council a video "Acony, The Story of the Oconee Bell" paid for with ATAX money granted to the Walhalla Garden Club. He noted the video will be available throughout the county at libraries, schools, chamber of commerce and various civic groups.

Council Committee Reports:

Budget, Finance & Administration

Mr. Dexter read from a brief statement [filed with these minutes] outlining the committee meeting held on February 16, 2010.

Planning & Economic Development

Mr. Corbeil noted that the Committee met on February 18, 2010 and received updates from the Planning Department and Economic Development Department. He noted a majority of the meeting dealt with ongoing FEMA issues. Lastly he summarized the ongoing work related to Economic Development being done by council members and staff in order to keep jobs and find new industry for the county.

Law Enforcement, Public Safety, Health & Welfare

Mr. McCall read from a brief statement [filed with these minutes] outlining the committee meeting held on March 3, 2010.

Real Estate, Facilities & Land Management

Mr. Suarez read from a brief statement [filed with these minutes] outlining the committee meeting held on March 13, 2010.

Mr. Suarez made a motion, seconded by Mr. Thrift, approved 4 – 1 [Mr. McCall opposed] to approve a one year lease for the Seneca Magistrate Court offices at the cost of \$1,800 per month with the understanding that the Seneca Magistrate will work with the Administrator to try to identify a county owned building in the city limits that might meet his needs long term.

Administrator's Report:

Library Grant Received

Mr. Klugh read from a brief statement [filed with these minutes] outlining specifics related to the Energy Efficiency & Conservation Block Grant received for use in the Library in the amount of \$196,744.

Recovery Zone Bond [RZB] Applications

Mr. Klugh updated Council regarding the availability of RZB applications in the Economic Development office and on line on the Council web site. He stated that the deadline for submission of an application is April 30, 2010.

External Appraiser Update

Mr. Klugh noted that the RFP's for the external appraiser were opened this week. Five companies submitted proposals. The Committee to evaluate the proposals will meet next week and they hope to have a recommendation for Council action at the April 6, 2010 meeting.

Old Business:

No Old Business was discussed at this meeting.

New Business:

Acknowledgement of Candidate Visitors

Mr. Suarez noted the attendance to the meeting by Mr. Tom Glenn and Mr. Bo Horne who have both announced their candidacy for election for County Council.

Adjourn:

Mr. Thrift made a motion at 9:19 p.m. to adjourn the meeting. The motion was approved unanimously.

Respectfully Submitted:

Elizabeth G. Hulse
Clerk to Council